



Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM
ELLIPTICAL ROAD, DILIMAN, QUEZON CITY • TELS. 928-7031 TO 39

MEMORANDUM CIRCULAR NO. 09
Series of 1997

TITLE: RECALLING THE AUTHORITY TO APPROVE/DISAPPROVE/ACT ON PROTEST CASES OF REGIONAL DIRECTORS (RDs) IN CERTAIN PROVINCES IN REGIONS III AND IV GRANTED UNDER ADMINISTRATIVE ORDER NOS. 9, 10 AND 12, SERIES OF 1994 AND ADMINISTRATIVE ORDER NO. 5, SERIES OF 1992

I. RATIONALE/PREFATORY STATEMENT

In view of the increasing applications/protests from CARP coverage in specific areas in Regions III and IV and in order to expedite resolution of protest cases, applications for land use conversion, exemption and exclusion of, and the lifting of notice of coverage/acquisition relative thereto, over properties/landholdings located in Region IV, specifically in the provinces of Batangas, Cavite, Laguna, Quezon I, Quezon II and Rizal, and in Region III, specifically Bulacan and Pampanga, the following guidelines are being issued for the guidance of the DAR and the public in general.

II. LEGAL MANDATE

Section 6, Chapter 2, Book IV of the Revised Administrative Code states that the authority and responsibility for the exercise of the mandate of the Department and for the discharge of its powers and functions shall be vested in the Secretary, who shall have supervision and control of the Department.

Corollary thereto, Section 7 thereof provides for the powers and functions of the Secretary, among which are the following:

1. Promulgate rules and regulations necessary to carry out department objectives, policies, functions, plans, programs and projects;
2. Promulgate administrative issuances necessary for the efficient administration of the offices under the Secretary and for proper execution of the laws relative thereto xxx;



"Tulong-tulong sa pagsulong"



3. Exercise jurisdiction over all bureaus, offices, agencies and corporations under the Department as are provided by law, and in accordance with the applicable relationships as specified in Chapters 7, 8 and 9 of this Book; and
4. Delegate authority to officers and employees under the Secretary's direction in accordance with this Code.

III. STATEMENT OF POLICY

Pursuant to the above authority of the Secretary to streamline processes, the delegated authority to approve/disapprove/act on protest cases, conversion and exemption/exclusion applications granted to Regional Directors (RDs) under A.O. 12, S. of 1994, A.O. 9, S. of 1994, A.O. 10, S. of 1994 and the authority to lift notices of acquisition under A.O. 5, S. of 1992, are hereby recalled and henceforth transferred to the Undersecretary for the Policy and Planning Office/Legal Affairs Office (PPO/LAO).

IV. COVERAGE

These rules shall apply to all landholdings located in the following critical provinces: Cavite, Batangas, Laguna, Quezon I, Quezon II, Rizal, Bulacan and Pampanga, which are being applied or intended to be applied for conversion or exemption/exclusion, or other protests from coverage, irrespective of the area/hectarage involved.

V. CONSTITUTION OF A CLUPPI-2

In order to carry out the mandate of this Order, a CLUPPI-2 is hereby created to process applications for land use conversion, exemption and exclusion of, or other protests from coverage and the lifting of notice of acquisition relative thereto.

VI. RULES OF PROCEDURE

A. Applicant

1. The applicant for land use conversion or exemption/exclusion/lifting of notice of acquisition shall secure the requisite Land Use Conversion Forms or Land Exemption/Exclusion Forms from the Center for Land Use Policy, Planning and Implementation-2 (CLUPPI-2 DARCO).
2. The applicant shall then attach the requisite documents specified under Section VII of A.O. 12, Series of 1994 (for conversion) or Section IV.A.2 of A.O. 13, Series of 1990 or Section III.B of A.O.

6, Series of 1994 (for exemptions under Sections 10 and 3 of R.A. 6657, in conjunction with DOJ Opinion No. 44, Series of 1990).

3. The completed application form shall then be submitted to the CLUPPI-2 for recording and immediate processing.
4. Applications which are not fully supported by the required documents will not be accepted.

B. The CLUPPI-2 shall:

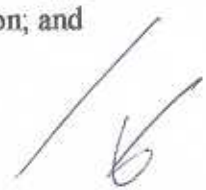
1. Record all applications for conversion and exemption/exclusion/protest/lifting of notice of acquisition;
2. Evaluate the required documents for completeness and compliance with all requisites;
3. Conduct field investigation of the area being applied for conversion or exemption and, whenever necessary, conduct dialogues with all parties concerned;
4. Prepare their Findings and Recommendation as well as the draft order recommending either the approval or denial of the application and the subsequent lifting of the order of coverage, if any, in meritorious cases; and
5. Indorse all applications for conversion and exemption/exclusion/lifting of notice of acquisition to the Office of the Assistant Secretary for Policy, Planning and Legal Affairs for final review and evaluation.

C. The Assistant Secretary for PPLAO shall:

1. Review all applications for conversion and exemption/exclusion/protest/lifting of notice of acquisition;
2. Whenever necessary, conduct field investigation and/or dialogue/s;
3. Prepare recommendation to the Undersecretary for PPLAO; and
4. Indorse the application, together with the draft order, to the Office of the Undersecretary for PPLAO for his approval.

D. The Undersecretary for PPLAO shall:

1. Review and approve/disapprove all applications for conversion of areas not exceeding fifty (50) hectares and exemption/exclusion/protests cases/lifting of notice of acquisition; and



2. Forward the signed order to the CLUPPI.

E. The Secretary shall:

1. Review and approve/disapprove all applications for conversion of areas exceeding fifty (50) hectares, as well as conversion and exemption/exclusion/protest/lifting of notice of acquisition cases which are brought on appeal from the order of the Undersecretary for PPLAO.
2. Forward the signed order to the CLUPPI.

VII. APPEAL FROM THE ORDERS OF THE UNDERSECRETARY

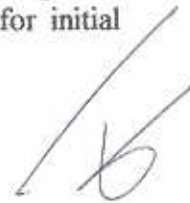
1. Any aggrieved party may file a Motion for Reconsideration (MR) from the decision of the Undersecretary within fifteen (15) days from receipt of the order or decision.
2. The filing of the MR shall suspend the running of the period. If denied, the aggrieved party has the balance of the period to file an appeal to the Secretary.
3. An appeal to the Secretary shall be made in the form of a memorandum. Once perfected, the records shall be sent to the Office of the Secretary for resolution.

VIII. APPEAL FROM THE DECISION OF THE SECRETARY

1. Appeal from the decision of the Secretary shall be made to the Office of the President or the Court of Appeals as the case may be.
2. The mode of appeal shall be the same as that of the Undersecretary to the Secretary.

IX. TRANSITORY PROVISIONS

All pending, as well as subsequent, applications for conversion and exemption/exclusion/lifting of notice of acquisition shall be processed conformably with the procedures outlined herein. Applications still pending with the Region shall perforce be transmitted to the CLUPPI-2 DARCO for initial processing.



X. AMENDMENTS

This Administrative Order amends Administrative Order (A.O.) No. 9, Series of 1994, A.O. No. 10, Series of 1994, A.O. 12, Series of 1994, A.O. 6, Series of 1994 and A.O. No. 5, Series of 1992. All other circulars, administrative orders, rules and regulations and other issuances made by this Department which are inconsistent herewith are hereby revoked, amended or modified as the case may be.

This Order takes effect immediately.

Diliman, Quezon City, March 13, 1997.


ERNESTO D. GARILAO
Secretary